

Appl. No. 10/646,554
Amdt. Dated May 24, 2006

REMARKS/ARGUMENTS

Claims 4-38 were presented for examination. In the Action mailed March 7, 2006, claims 19-26 were allowed. Claims 4-16, 27-29, 33, 35 and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Breen (2004/0117735 A1) in view of Roses (2003/0055871 A1); claims 34, 36 and 38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Breen in view of Roses and in further view of Sparks, et al. (6,167,382); and claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Breen. Claims 30-32 were not expressly recited on page 3 of the Action, but it appears that these three claims were also rejected under 35 U.S.C. 103(a) as being unpatentable over Breen in view of Roses.

In this Amendment, claims 4, 8, 11, 13, and 30-32 have been cancelled; claims 5-7, 9, 10, 12, 14-16, 27-29, and 34-38 have been amended; and new claim 39 has been added. It is believed that all pending claims are in condition for allowance.

Claim 19 and related claims

Claims 19-21 are allowed. Dependent claims 9, 10, 16, 35 and 36 have been amended to depend from independent claim 19. Independent system claim 28 has been amended to recite similar limitations to claim 19. In view of these amendments, it is believed that the Examiner's rejection of claims 9, 10, 16, 28, 35 and 36 is now moot.

Claim 22 and related claims

Claims 22-26 are allowed. Dependent claims 12, 14, 15, 37 and 38 have been amended to depend from independent claim 22. Independent system claim 29 has been amended to recite similar limitations to claim 22. In view of these amendments, it is believed that the Examiner's rejection of claims 12, 14, 15, 29, 37 and 38 is now moot.

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Claim 17 and related claims

Independent claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Breen. As discussed below, Breen does not teach the claimed method.

Looking first at Fig. 2 of Breen, Breen depicts an image in which a graphic designer has identified four areas within the image: maximum cropping area 42, optimum cropping area 40, maximum image area 38, and image border area 36. Each of these areas is described in [0037] of Breen. The concept of Breen's "maximum cropping area" is roughly analogous to Applicant's "minimum image area". The concept of Breen's "optimum cropping area" is roughly analogous to Applicant's "ideal image area".

At [0045], Breen describes the location into which the cropped image will be placed in terms of the maximum space available to receive a cropped image. This is referred to in Breen as the "maximum image width/height". Breen's "maximum image width/height" is roughly analogous to Applicant's "image container", but there is a very significant difference between the two. Breen's maximum image width/height is, as the name implies, the maximum available area. It is not also the minimum area. Breen has no requirement that the maximum image height/width area be filled, only that the cropped image fit inside the area. By contrast, in Applicant's claimed method, a cropped image must fill the container. Otherwise, the image is not used.

Breen describes two cropping methods. In paragraph [0046], Breen describes the cropping process if the Breen image has a defined optimal cropping area. In paragraph [0047], Breen describes process if the Breen image does not have a defined optimal image area 40. In both processes, Breen is allowed to create a cropped image that does not fill the available container. While a Breen cropped image may happen to fill the container in some situations (where the image is larger than the maximum image width/height), filling the image container is not a requirement for an image to be useable by Breen.

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Regarding the first cropping method, described at [0046], Breen states: "If the optimal cropping area exists, the following approach is used: if the maximum image width/height is longer than the width/height of optimal cropping area, the image width/height is cropped to the width/height of the optimal cropping area". In other words, if the available image container space is larger than the optimal cropping area 40 in the image, the image is cropped to the size of the optimal cropping area 40. Breen crops away everything that is outside of the optimal image area 40 even though this creates a cropped image that is smaller than the size of the available space.

Similarly, regarding the second cropping method, described at [0047], Breen states: "If the optimal cropping area does not exist, the following approach is used instead: if the maximum image width/height is longer than the width/height of maximum image area, the image width/height is cropped to the width/height of the width/height of maximum image area". In other words, if the size of the image container is larger than the maximum image area 38, the image is cropped to the maximum image area 38. Again, in this situation, Breen crops away everything that is outside of the maximum image area 38 even though the remaining cropped image is smaller than the size of the available space.

By contrast, looking at Applicant's pending claim 17, a cropped image is created at step (b) only if a cropped version can be created that meets all of the three listed conditions, including the condition of "filling the image container". If those conditions cannot all be met, the image is identified as being incompatible with the image container. Breen contains no such requirement and makes no such teaching.

Dependent claims 5-7, 33 and 34 have been amended to depend from independent claim 17, independent claim 27 has been amended to recite similar limitations to claim 17, and new claim 39 reciting a computer-readable medium having instructions for performing the steps of claim 17 has been added. For the reasons stated above, it is believed that independent claim 17 is allowable and related dependent claims 5-7, 18, 27, 33, 34 and 39 are likewise allowable.

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In summary, it is believed that all pending claims are now in condition for allowance and favorable action on all pending claims is respectfully requested. If the Examiner believes a telephone call will server to advance the prosecution of this case, she is invited to telephone the undersigned at the number below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Dulaney", with a stylized flourish at the end.

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